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ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com

Office Action Summary

Application No.

10/587,768

Applicant(s)

AALTONE ET AL.

Examiner

TIMOTHY PHAM

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/200)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 8-9, 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kokubo (US 2003/0078077).

Regarding claims 1, 23, and 25, Kokubo discloses an apparatus, a method, and a user interface for an apparatus:

wherein the apparatus is configured for communication within a telecommunications network (paragraph [0008], e.g., mobile or portable terminal devices having communications functions), and also configured to receive at least one of a plurality of broadcast services (paragraph [0044], e.g., mails or Web browser; it is noted that Web browser is a type of broadcast services);

the apparatus comprising a controller (Fig. 2, reference 208; paragraph [0042], [0044], e.g., the controller display) and a memory storing computer program code (Fig. 2, references 214, 213 (ROM and RAM)) wherein the memory and the computer program code are configured to, with

the controller, enable the apparatus to control a display to provide a visual display corresponding to content of at least one of the services (Fig. 2; paragraphs [0042], [0044], e.g., the controller 208, in this example, shows the remaining battery level, indication of service area/no service area, signal strength and the like on the display area 16a), such that in a first mode of operation content corresponding to one of the services is displayed for normal viewing (Abstract; paragraphs [0012], [0014], [0021]-[0022]; Claim 1; e.g., first display mode for displaying a performing content related to the application in the first display area), and in a second mode of operation content corresponding to more than one of the services is displayed (Abstract; paragraphs [0012], [0014]-[0018], [0021]; Claim 1; e.g., In the second display mode, at least part of the contents shown on the top and bottom display areas in the first display mode are exhibited on a sub display area. For example, when under the second display mode, as the contents to be exhibited on the sub display area, the contents shown on the top and bottom display areas as well as the content shown on the sub display section are switched over or shown by scrolling).

Regarding claim 2, Kokubo discloses the apparatus according to claim 1 including a user interface (Fig. 2, reference 16) configured to enable a selection to be made from the services displayed in the second mode of operation for normal viewing in the first mode of operation (paragraphs [0046], [0060], e.g., when a shift is made from the normal display of FIG. 5A to the full display mode of FIG. 5B, the screens of the icon display 601, the information display 602, and the key operating display 603 are switched over in cyclic order and shown according to the user's predetermined operation on the sub display section 19).

Regarding claim 8, Kokubo discloses the apparatus according to claim 1, including a user operable interface configured to enable a user to select the number of services that are to

have their content displayed in the second mode (paragraph [0060]).

Regarding claim 9, Kokubo discloses the apparatus according to claim 1, including a user operable interface configured to enable a user to select which services are to have their content displayed in the second mode (paragraph [0018], e.g., Under the second display mode, the display control means shows the content of a predetermined basic screen on the third display area).

Regarding claim 21, Kokubo discloses the apparatus according to claim 1, wherein the apparatus is configured to receive a detachable memory storing data corresponding to at least one of the services (Fig. 2, reference 213 or 214, e.g., RAM and ROM).

Regarding claim 22, Kokubo discloses the apparatus according to claim 1, comprising wherein the apparatus is a mobile telecommunications handset (Abstract; Fig. 1, e.g., mobile terminal apparatus).

Claim 24 is drawn to a computer readable storage medium comprising computer program instructions which, when run on a processor enable an apparatus configured for communications within a telecommunications network to perform steps of claim 1. Therefore, the same rationale applied to claim 1 applies. In addition, Kokubo inherently discloses a computer program product, i.e., given that Kokubo discloses a process (paragraph [0042]), the process would be implemented by a processor that requires a computer program product, e.g., ROM, a RAM, to function.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 10, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokubo in view of Chae (US 2003/0030613).

Regarding claim 3, Kokubo discloses the apparatus according to claim 1, fails to specifically disclose wherein the display is controlled, in the second mode of operation, to display the data content corresponding to one of the services with a higher quality than another of the services.

However, Chae discloses the display is controlled, in the second mode of operation, to display the data content corresponding to one of the services with a higher quality than another of the services (Fig. 2; paragraph [0016], [0050], e.g., the picture-in-picture on the liquid crystal panel 52 can be divided into a main picture 70 on the entire area of the liquid crystal panel 52 in the SVGA resolution and a sub picture 80 displayed only on a part area of the liquid crystal panel 52 in the XGA resolution which is higher than the SVGA resolution; therefore the data content corresponding to one of the services with a higher quality than another of the services in the sub picture, the second mode of operation) .

Therefore, taking the teachings of Kokubo in combination of Chae as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to control the display, in the second mode of operation, to display the data content corresponding to one of the services with a higher quality than another of the services in order to provide better services in digital broadcast networks.

Regarding claim 4, Kokubo in combination with Chae discloses the apparatus according to claim 3, wherein said high quality display of the content one of the services comprises a video display (Chae: paragraphs [0016], [0021]) and the display of the content for the another service comprises a still image or a succession thereof (paragraph [0016], e.g., FIG. 2 shows two images simultaneously displayed on the liquid crystal panel 22 in a conventional driving method).

Therefore, taking the teachings of Kokubo in combination of Chae as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have high quality display of the content one of the services comprises a video display and the display of the content for the another service comprises a still image for advantages of providing better services in digital broadcast networks.

Regarding claim 10, Kokubo discloses the apparatus according to claim 1, fails to specifically disclose wherein the display is controlled, in the second mode of operation, to display the content of the services in a mosaic of image tiles corresponding to the content of the services.

However, Chae discloses the display is controlled, in the second mode of operation, to display the content of the services in a mosaic of image tiles corresponding to the content of the services (Fig. 2, reference 21; paragraph [0016], e.g., a sub picture 21 represented only on a part area of the liquid crystal panel 22 in the UXGA resolution which is higher than the SVGA resolution; therefore it is a mosaic of image).

Therefore, taking the teachings of Kokubo in combination of Chae as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to control the display, in the second mode of operation, to display the content of the services in a

mosaic of image tiles corresponding to the content of the services for advantages of providing better services in digital broadcast networks.

Regarding claim 16, Kokubo in combination with Chae discloses the apparatus according to claim 10, wherein the image tiles abut one another (Chae; Fig 2, reference 21, it is noted that the sub picture 21 is adjacent to the main picture 22; therefore, the image tiles abut one another).

Therefore, taking the teachings of Kokubo in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the tiles abut one another in order to provide better services in digital broadcast networks.

Regarding claim 17, Kokubo discloses the apparatus according to claim 1, fails to specifically disclose wherein the display is controlled in the second mode to display the services in a picture in picture display wherein a first image corresponding to a first one of the services is displayed in a first area within a second area that displays content corresponding to a second one of the services, the first area being smaller than the second area.

However, Chae discloses he display is controlled in the second mode to display the services in a picture in picture display (Fig. 2, reference 21) wherein a first image corresponding to a first one of the services is displayed in a first area within a second area that displays content corresponding to a second one of the services paragraph [0016], e.g., a sub picture 21 represented only on a part area of the liquid crystal panel 22 in the UXGA resolution which is higher than the SVGA resolution; therefore it is a mosaic of image), the first area being smaller than the second area (Fig. 2, reference 21 and 22).

Therefore, taking the teachings of Kokubo in combination of Chae as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to control the display, in the second mode, to display the services in a picture in picture display wherein a first image corresponding to a first one of the services is displayed in a first area within a second area that displays content corresponding to a second one of the services, the first area being smaller than the second area for advantages of providing better services in digital broadcast networks.

Regarding claim 18, Kokubo in combination with Chae discloses the apparatus according to claim 17, including a user interface configured to enable a user to switch the content for the first one of the services displayed in the first area to be switched to the second area and simultaneously for the content for the second one of the services displayed in the second area to be switched to the first area (Kokubo: paragraph [0022], e.g., displaying, under a second display mode, the content displayed on the first display area at least across the first and second display areas and the content displayed on the second display area on the third display area; and switching between the first display mode and second display mode according to a predetermined factor).

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokubo in combination with Chae, in view of Shy et al. (hereinafter “Shy”; US 2004/0075769).

Regarding claim 5, Kokubo in combination with Chae discloses the apparatus according to claim 3, fails to specifically disclose wherein the display is controlled, in the second mode of operation, to display different ones of the displayed services in said high quality.

However, Shy discloses the picture-in-picture window displays different the displayed service in main display screen (paragraph [0019], e.g., many users have a desire to be able to watch multiple video signals simultaneously. For example, FIG. 2 illustrates a video display unit 210 being used to simultaneously display a first analog video signal AVS1 and a second analog video signal AVS2).

Therefore, taking the teachings of Kokubo in combination of Chae and Shy as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the display is controlled, in the second mode of operation, to display different ones of the displayed services in high quality for advantages of improving reliability of services in digital broadcast networks.

Regarding claim 6, Kokubo in combination with Chae and Shy discloses the apparatus according to claim 5, wherein the display is controlled to display different ones of the displayed services in high quality, successively (Shy: paragraph [0019]).

Therefore, taking the teachings of Kokubo in combination of Chae and Shy as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the display is controlled to display different ones of the displayed services in high quality, successively for advantages of improving reliability of services in digital broadcast networks.

Regarding claim 7, Kokubo in combination with Chae and Shy discloses the apparatus according to claim 5, including a user interface configured to enable a user to select which service is to be displayed in said high quality (Kokubo: paragraph [0060], e.g., If it is selected

that the sub display section can display simultaneously or displays simultaneously, with Yes in step S45).

7. Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokubo in combination with Chae, in view of Sull (US 2004/0128317; Cited in PTO-892 Part of Paper No. 20090827).

Regarding claim 11, Kokubo in combination with Chae discloses the apparatus according to claim 10, fails to specifically disclose wherein the image tiles are of equal size.

However, Sull discloses wherein the image tiles are of equal size (paragraphs [0020], [0063], [0137]).

Therefore, taking the teachings of Kokubo in combination of Chae and Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the image tiles are of equal size in order to provide better services in digital broadcast networks.

Regarding claim 12, Kokubo in combination with Chae discloses the apparatus according to claim 10, fails to specifically disclose wherein the image tiles are configured so that one is larger than the or each other image tile.

However, Sull discloses wherein the image tiles are configured so that one is larger than the other image tile (paragraphs [0020], [0063], [0137], noted the thumbnail image size).

Therefore, taking the teachings of Kokubo in combination of Chae and Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by

applicant to have the image tiles are configured so that one is larger than the other image tile in order to provide better services in digital broadcast networks.

Regarding claim 13, Kokubo in combination with Chae and Sull discloses the apparatus according to claim 12, wherein the larger image tile displays an image of higher quality than the or each other image tile (Sull: paragraphs [0245]-[0246], e.g., provided such that the images are more easily recognizable).

Therefore, taking the teachings of Kokubo in combination of Chae and Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have the larger tile displays an image of higher quality than the other in order to provide better services in digital broadcast networks.

Regarding claim 14, Kokubo in combination with Chae discloses the apparatus according to claim 10, fails to specifically disclose including a user interface configured to enable a user to change for changing the size and/or location of a selected one of the image tiles.

However, Sull discloses a user interface configured to enable a user to change for changing the size and/or location of a selected one of the image tiles (paragraphs [0020], [0152], [0158], e.g., this features typically employ reduce-size versions of video frames, which are displayed in one or more small areas of a display screen).

Therefore, taking the teachings of Kokubo in combination of Chae and Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have a user interface for changing the size and/or location of a selected one of the tiles in order to provide better services in digital broadcast networks.

Regarding claim 15, Kokubo in combination with Chae discloses the apparatus according to claim 10, fails to specifically disclose wherein at least one of the image, tiles overlaps the or each other image tile.

However, Sull discloses at least one of the tiles overlaps the one each other one thereof (Sull: paragraphs [0020], [0152], [0158]).

Therefore, taking the teachings of Kokubo in combination of Chae and Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have at least one of the tiles overlaps the one each other one thereof in order to provide better services in digital broadcast networks.

8. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kokubo in view of Sull.

Regarding claim 19, Kokubo discloses the apparatus according to claim 1, fails to specifically disclose wherein the apparatus is configured to receive digital video broadcasting broadcasts corresponding to a plurality of the services.

However, Sull discloses the apparatus is configured to receive digital video broadcasting broadcasts corresponding to a plurality of the services (paragraph [0029], e.g., Digital Video Broadcasting).

Therefore, taking the teachings of Kokubo in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant

to have the receiver is operable to receive DVB broadcasts corresponding to a plurality of the services in order to provide better services in digital broadcast networks

Regarding claim 20, Kokubo discloses the apparatus according to claim 1, fails to specifically disclose including a recorder to record video content for replay to provide the content of one of said displayed services.

However, Sull discloses a recorder to record video content for replay to provide the content of one of said displayed services (paragraphs [0019], [0150], e.g., a digital video recorder (DVR)).

Therefore, taking the teachings of Kokubo in combination of Sull as a whole, it would have been obvious to one having ordinary skill in the art at the time of the invention by applicant to have a recorder to record video content for replay to provide the content of one of said displayed services in order to provide better services in digital broadcast networks

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY PHAM whose telephone number is (571)270-7115. The examiner can normally be reached on Monday-Friday; 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Timothy Pham/
Examiner, Art Unit 2617

/VINCENT P. HARPER/
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2617